IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No: 21893 of 2004

Between:

Grandhi Venkata Chitti Abbai, S/o. Sri. Mangaraju,
Rajam Village, Srikakulam District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Civil Supplies, Rajam.
2 The Joint Collector, Civil Supplies, Srikakulam.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue writ of Mandamus or any other writ, order or direction more particularly one in the nature of writ of mandamus by declaring the action of respondents in not releasing the stocks amounts for the seizer amounts Rs. 1,50,000/-, Rs. 2,000/- towards fine by the respondents and as directed by the District Sessions Judge, Srikakulam, in Crl.A.No.116/1999, dt. 10.03.2004, as arbitrary violation of principles of natural justice of Art. 14, 21 of the Constitution of India, and pass such other order or orders as this Honourable Court may deem fit and proper in the interests of justice.

Counsel for the Petitioner: MR.K.PURUSHOTHAM

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage, made the following:

ORDER :-

The petitioner is a trader in rice. The authorities of the Civil Supplies department have inspected his premises and seized 152 quintals of rice, on the ground that there are certain discrepancies. Proceedings under Section 6-A of the Essential Commodities Act, were initiated against the petitioner. The second respondent passed order on 14.7.1999, directing confiscation of 80% of the seized stock and release of 20% of the same to the petitioner. Aggrieved thereby, the petitioner filed Criminal Appeal No.116 of 1999, before Sessions Judge, Srikakulam. The appeal was allowed through judgment, dated 10.3.2004. The order of confiscation to the extent of 80% of the seized stock was set aside. The petitioner complains that no part of the stock has been released so far to him, despite the orders of the Joint Collector and the criminal Court.

2. Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

3. This case presents an example as to how the enthusiasm and spirit exhibited by the officers of the Civil Supplies while effecting seizure is not exhibited even in part, to comply with the orders passed by the authorities or the court, as the case may be.

4. Way back, in the year 1998, 152 quintals of rice was seized from the petitioner on the basis of certain allegations. The second respondent passed an order, dated 14.7.1999, directed release of 20% stock. Not a single grain was released to the petitioner. Aggrieved by the order directing confiscation of 80% of the stock, the petitioner carried the matter in appeal and the appellate Court directed release of even 80% of the stock through judgment dated, 10.3.2004. Till now, the petitioner has not been released the stock, nor was paid the value thereof. The inaction or indifference on the part of the respondents constitutes clear violation of the rights of

the petitioner to carry on the trade. There cannot be any justification for the respondents in not complying with the orders passed by the statutory authorities. In fact, the petitioner deserves to be compensated for the hardship, which, he was subjected to.

5. Hence the writ petition is disposed of directing that the respondents shall pay the value of the 152 quintals of rice seized from him, together with interest that has accrued upon it, within four weeks from today. In case, they fail to pay the same, they shall be liable to pay penal interest at 12% over and above that amount with effect from 10.3.2004. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 06th December, 2004

Note: - Issue C.C in three days

(B/o)

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To

1 The M.R.O., Civil Supplies, Rajam.
2 The Joint Collector, Civil Supplies, Srikakulam.

3 2 CCs to the G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT).

4. 2 CD copies.